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Counsel for Daniel G. Kamin Baton Rouge LLC

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

|  |   |                                |
|--|---|--------------------------------|
| <b>In re</b>                             | ) | <b>Chapter 11</b>              |
|  | ) |                                |
| <b>CIRCUIT CITY STORES, INC., et al.</b> | ) | <b>Case No. 08-35653 (KRH)</b> |
|  | ) | <b>Jointly Administered</b>    |
| <b>Debtors.</b>                          | ) |                                |

***AMENDED* OBJECTION BY DANIEL G. KAMIN BATON ROUGE LLC  
TO PROPOSED CURE AMOUNT  
(Store #3511 Baton Rouge, LA)**

Daniel G. Kamin Baton Rouge LLC, as assignee of Circuit Investors #4-Baton Rouge Limited Partnership (the “Lessor”), by counsel, objects to the proposed cure amount set forth on “Exhibit B: Cure Amounts By Store” (the “Cure Exhibit”) to the Debtors’ Motion for Orders under 11 U.S.C. §§ 105, 363, and 365 (I) Approving Bidding and Auction Procedures for Sale of Unexpired Nonresidential Real Property Leases for Closing Stores, (II) Setting Sale Hearing Date, and (III) Authorizing and Approving (A) Sale of Certain Nonresidential Real Property Leases Free and Clear of Liens, Claims, and Encumbrances, (B) Assumption and Assignment of Certain Unexpired Nonresidential Real property Leases, and (C) Lease Rejection Procedures (the “Motion”) filed by the debtors and debtors in possession in the above-captioned jointly administered cases (collectively, the “Debtors”), and states as follows:

1. The Lessor leases “Store #3511” (with an address of 8640 Airline Highway, Baton Rouge, Louisiana 70815-8107) to Circuit City Stores, Inc. (the “Lessee Debtor”) and the Lessee Debtor occupies and is in possession of Store #3511 pursuant to the terms of a Lease Agreement dated as of February 24, 1993 (the “Store #3511 Lease”).

2. In the Cure Exhibit, the Debtors states that the “cure amount” for the Store #3511 Lease is \$7,200.00.

3. The Debtors’ statement of the “cure amount” is not correct. Subject to the reservation set forth in paragraph 4 hereof, the correct “cure amount” with respect to the Store #3511 Lease is not less than \$73,886.14 as of November 9, 2008, based on the following computation:

|                   |   |              |
|-------------------|---|--------------|
| A.                | Pre-petition rent (10/01/08 – 11/09/08) | \$ 31,533.84 |
| B.                | Late charges on pre-petition rent       | \$ 486.68    |
| C.                | Unpaid taxes (pre-petition period)      | \$ 41,865.62 |
| TOTAL CURE AMOUNT |   | \$ 73,886.14 |

The correct “cure amount” does not include rent, charges, and taxes relating to the post-petition period beginning on November 10, 2008.

4. The correct “cure amount” is based on the best information now available to the Lessor and its advisors and is set forth with the Lessor’s full reservation of right to modify such “cure amount” as such additional information becomes available to the Lessor. The “cure amount” does not include such additional items as attorneys’ fees, interest, repair and maintenance costs, indemnification obligations, other claims against the Lessee Debtor under the Store #3511 Lease, and actual pecuniary losses suffered by the Lessor that result from the Lessee Debtor’s defaults under the Store #3511 Lease. The Lessor expressly reserves the right to increase the “cure amount” to include those and other items at such time as they materialize and/or may be computed.

5. The Lessor hereby reserves all of its rights and remedies, including but not limited to the right to object to any proposed assumption and assignment of the Store #3511 Lease

WHEREFORE, the Lessor objects to the Debtors' statement of the "cure amount" and respectfully requests that the Court fix the "cure amount" (subject to the reservations above) for the Store #3511 Lease as set forth above and grant such other relief as is appropriate.

Date: December 10, 2008

By: /s/ William A. Broschious  
Counsel

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### **CERTIFICATE OF SERVICE**

I hereby certify that on December 10, 2008, an electronic copy of the foregoing Amended Objection by Daniel G. Kamin Baton Rouge LLC to Proposed Cure Amount was filed using the Court's ECF System which caused electronic notification of filing to be served on all registered users of the ECF System that have requested such notification in the Circuit City Stores, Inc., *et al.* bankruptcy proceeding.

/s/ William A. Broschious  
William A. Broschious, Esq. (VSB #27436)